

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.R.C.No.1498 of 2019

M.Nataraj

... Petitioner

Vs.

1.State of Tamil Nadu
Rep. by is Public Prosecutor
Tiruppur

2. Inspector of Police
Civil Supplies C.I.D
Police Station
Tiruppur

... Respondents

Prayer: Criminal Revision Petition filed under Sections 397 read with 401 of Code of Criminal Procedure to call for the records relating to the order dated 11.12.2019 passed in Crl.M.P.No.1521 of 2019 in Crl.A.No.126 of 2019 on the file of the Principal District and Sessions Court, Tiruppur and set aside the order passed by the Court, and thereby suspend the sentence imposed on the petitioner, pending disposal of the Crl.A.No.126 of 2019.

For petitioner : Mr.Balaji Thirumoorthy
For Respondent : Mr.Shunmugarajeswaran
Govt. Advocate

ORDER

Heard learned counsel on either side.

2. The petitioner was found guilty under Section 6(4) of TNSC(RDCS) order 1982 r/w. 7(1)(a)(ii) of EC Act, 1955 and sentenced to undergo rigorous imprisonment for three months and also imposed a fine of Rs.2,000/-, in default to undergo one month simple imprisonment by the Judicial Magistrate II, Thiruppur in C.C.No.278 of 2018. Aggrieved by the said order, the petitioner filed an appeal, but there was a delay in filing the appeal.

3. The learned Appellate Judge was pleased to condone the delay in filing the appeal, but the petition for suspension of sentence was dismissed.

4. I am of the view that when the appellate Court decided to consider the appeal on merits, there is no justification in dismissing the petitioner's petition for suspension of sentence. Sentence is only for a period of three months. Therefore, I am of the view that the petitioner's sentence ought to have been suspended during the pendency of Criminal Appeal No.126 of 2019 on the file of the Principal Sessions Judge, Tiruppur. The petitioner's counsel states that the petitioner has already remitted the fine of Rs.2,000/-.

In this view of the matter, the criminal revision petition is allowed and the impugned order dated 11.12.2019 made in Crl.M.P.No.1521 of 2019 in Crl.A.No.126 of 2019 is set aside.

Sd/-

Deputy Registrar(C.S.)

//True Copy//

Sub Assistant Registrar

To

1. The Public Prosecutor
Tiruppur
2. The Inspector of Police
Civil Supplies C.I.D
Police Station
Tiruppur
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

+1 cc to M/s.Balaji Thirumoorthy, Advocate Sr.No. 106867

AKM/06.01.2020/2P-5C /

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